



**US Army Corps
of Engineers**
Huntington District

Public Notice

In reply refer to:	Issuance Date:
Public Notice No. 200000475	June 30, 2001
Application No.:	Expiration Date:
N/A	June 30, 2006
Address comments to:	US Army Corps of Engineers, Huntington District 502 Eighth Street ATTN: CELRHF Huntington, West Virginia 25701-2070

REGIONAL PERMIT FOR EMERGENCY STREAMBANK
PROTECTION PROJECTS CONSTRUCTED PURSUANT TO SECTION 14 OF THE
1946 FLOOD CONTROL ACT, AS AMENDED for OHIO

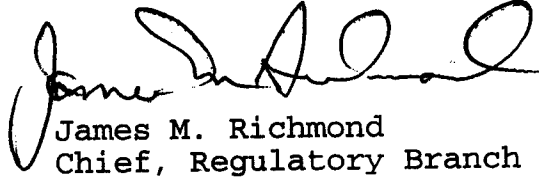
TO WHOM IT MAY CONCERN: In accordance with Title 33 CFR 325.5c)(1) as published on November 13, 1986, in the Federal Register, Volume 51, Number 219, the District Engineer, U.S. Army Engineer District, Huntington, West Virginia, has issued a regional permit for emergency streambank protection projects pursuant to Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act within the State of Ohio.

The work will be for the purpose of providing emergency streambank and shoreline protection projects. The purpose of these projects is to prevent damage to highways, bridge approaches, public works, churches, hospitals, schools and other non-profit services authorized by Section 14 of the Flood Control Act of 1946. The work will be performed in accordance with other Congressional authorizations pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 313 and 404 of the Clean Water Act.

This regional permit replaces Public Notice 95-28, and will remain in effect for a period of five years unless modified or rescinded.

Stabilization activities authorized by this regional permit will be accomplished by the use of vegetation, stone, granular fill, bedding and filter materials. Placement of stone normally requires clearing and excavation of the bank to a stable geometry with the removal of drift, debris, brush, scrub and trees on the bank between the toe and the upper elevation limit of the treatment. Granular fill, bedding and filter material will then be placed and retained by graded rock with the size determined for the specific reach of the bank. Keys and transitions will be used to address launching or outflanking of the treatment. All disturbed areas will be reclaimed on completion of the treatment construction.

The conditions and limitations for the project are attached, including a copy of the water quality certification from the Ohio Environmental Protection Agency.



James M. Richmond
Chief, Regulatory Branch

Special Conditions for Section 14 Projects:

a. The riverward extension for placement of material is limited to that absolutely necessary for the construction and mitigation, as necessary. The material will in no case extend more than 40 feet or no more than a water depth greater than four (4) feet at normal pool elevation. The length of any project will not exceed 2500 feet and the maximum amount of material which will be placed below ordinary high water elevation per linear feet of bank or shoreline is 20 cubic yards.

b. Only clean, uncontaminated material will be used for the bank protection. Acceptable materials include durable stone, concrete rubble and/or vegetative stabilization techniques. Any reinforcing rods extending from well-graded concrete rubble will be cut flush with the concrete surface. Use of broken bituminous material or slag is not permitted.

c. Instream work will be limited to that necessary for construction and mitigation, as necessary. The existing bank topography may necessitate clearing, excavation, fill placement and grading to a stable geometry with in-place soil prior to placement of the filter and rock. End and toe transitions will be used to preclude outflanking, subsequent exposure and resulting failure of the treatment by the expected continuing retreat of the adjacent unprotected banks. The removal of vegetation will be limited to the treatment area and to that necessary for the placement of the treatment material. Drainage interception and control may be required.

d. On completion of the construction, all adjacent disturbed areas will be graded to a stable contour, seeded and mulched to establish native vegetation and further minimize soil erosion. Plantings beneficial to wildlife will be used whenever possible.

e. The bank stabilization activity will not result in increased flood heights above that allowed by any Federal, state or local law.

f. Channel realignments or relocations will not be authorized under this permit.

g. No material will be placed in any wetland, or in any manner so as to alter or impair surface water flow into or out of any wetland area.

h. Work in island backchannels and embayment areas are excluded from this permit.

i. Areas named in Acts of Congress or Presidential Proclamations as National Rivers, National Wilderness Areas, National Seashores, National Parks, National Monuments, Federal

or State designated Wild and Scenic Rivers and such areas as may be established for similar and related purposes, such as estuaries and marine sanctuaries are excluded from the permit area. Work proposed in National Rivers Inventory streams will be coordinated with the National Park Service. Work proposed in existing and proposed National Wildlife Refugee System areas will be coordinated with the U.S. Fish and Wildlife Service and appropriate state agencies.

j. The bank stabilization activities will not affect property listed in, or eligible for inclusion in, the National Register of Historic Places unless coordination as required with the appropriate State Historic Preservation Officer and the Advisory Council on Historic Preservation has been completed.

k. The activity will not adversely affect an endangered, threatened or proposed species or result in the destruction or adverse modification of habitat or such species.

l. Best management practices will be used in accordance with the appropriate state and federal regulations and guidelines during construction in and near waterways to minimize erosion and sedimentation.



State of Ohio Environmental Protection Agency

STREET ADDRESS:

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Columbus, OH 43215-1099

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MAY 23 2001

ENTERED DIRECTOR'S JOURNAL

May 23, 2001

U.S. Army Corps of Engineers
Huntington District
502 Eighth Street
Huntington, WV 25701-2070

I certify this to be a true and accurate copy of the
official document as filed in the records of the Ohio
Environmental Protection Agency.

By Donna Jackson Date 5/23/01

Re: All Counties in the Huntington District / Various Townships
Grant of Section 401 Certification
Project to reissue a regional permit for emergency streambank protection projects for a
period of five years
Public Notice No. (H)200000475

Ladies and Gentlemen:

The Director of Ohio Environmental Protection Agency hereby authorizes the above referenced
project under one or both of the following authorities.

Section 401 Water Quality Certification

Pursuant to Section 401 of the Federal Water Pollution Control Act, Public Law 95-217, the
Director of Ohio Environmental Protection Agency hereby certifies that the above-referenced
project will comply with the applicable provisions of Sections 301, 302, 303, 306, and 307 of the
Federal Water Pollution Control Act.

Ohio Dredge and Fill Permit

Pursuant to Chapters 3745-1 and 3745-32 of the Ohio Administrative Code, the Director of Ohio
Environmental Protection Agency hereby concludes that the above-referenced project will comply
with the applicable provisions of Sections 6111.03 and 6111.04 of the Ohio Revised Code.

This authorization is specifically limited to a 401 certification and or dredge and fill permit with
respect to water pollution and does not relieve the applicant of further certifications or permits as
may be necessary under the law. I have determined that a lowering of water quality in all waters
in the Huntington District as authorized by this certification/Dredge & Fill Permit is necessary. I
have made this determination based upon the consideration of all public comments, and including
the technical, social, and economic considerations concerning this application and its impact on
waters of the state.

This certification issued subject to the following conditions:

Bob Taft, Governor
Maureen O'Connor, Lieutenant Governor
Christopher Jones, Director

Bioengineering techniques shall be considered first when evaluating erosion control methods for individual sites. If it is determined that biotechnical erosion control is not feasible, then broken rock shall be considered for erosion control.

The work shall take place during low flow conditions in order to minimize adverse impacts to water quality away from the project site.

Fill used in this project shall consist of suitable material free from toxic contaminants in other than trace quantities.

Materials used for bank protection shall be erosion resistant and free from toxic or other contaminants. Broken asphalt is specifically excluded from use as bank protection.

The fill shall be limited to that amount necessary to provide shoreline protection.

All dredged material shall be placed at an upland site in such a way that sediment runoff to the waterway is controlled and minimized.

The bottom elevations shall be restored as nearly as possible to pre-project conditions.

Heavy equipment shall not be used beneath the Ordinary High Water Mark unless the bank stabilization project can not otherwise be accomplished.

Steps must be employed throughout the course of this project to avoid the creation of unnecessary turbidity which may degrade water quality or adversely affect aquatic life outside of the project area.

Any damages to the immediate environment of the project by equipment needed for construction or hauling will be repaired immediately.

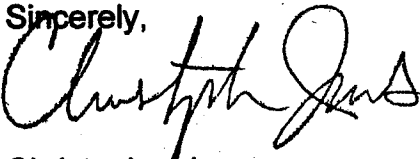
In areas where trees have been removed to facilitate construction, they shall be replaced with native species possessing rapid growth characteristics.

Steps shall be taken not to come in contact with, or otherwise adversely impact municipal, industrial or other water intakes or effluent structures which may be located in the dredging area.

Prior to commencement of dredging operations, dredge operators must notify area water users, municipal and industrial, whose water quality may be affected by the dredge's turbidity plume and its associated contaminants.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code by any person who was a party to this proceeding. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. It must be filed with the Environmental Review Appeals Commission within thirty (30) days after the notice of the Director's action. A copy of the appeal must be served on the Director of the Ohio Environmental Protection Agency and the Environmental Enforcement Section of the Office of the Attorney General within three (3) days of the filing with the Commission. An appeal may be filed with the Environmental Review Appeals Commission, 236 East Town Street, Room 300, Columbus, Ohio 43266-0557.

Sincerely,



Christopher Jones
Director

cc: R. Rutherford, U.S. Army Corps of Engineers, Huntington District
Kevin Pierard, U.S. EPA, Region 5
Ken Lammers, U.S. Fish & Wildlife Service
Don Polvolny, ODNR, Division of Real Estate & Land Management
Linda Merchant-Masonbrink, DSW, CO
Marc Smith, EAS
M. Kuklis, OEPA, SEDO
D. Zimmerman, OEPA, SWDO
D. Stroud, OEPA, NEDO
T. Balduf, OEPA, NWDO
J. Bohne, OEPA, CDO
401 file